

APPENDIX K

Deposition of Daniel McMaster - 8/17/2018
League of Women Voters of Michigan, et al. v. Ruth Johnson, Secretary of the State of Michigan

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|---|--|
| <p>1 Q. Since you finished your redistricting work 2 in 2011, have you looked at any alternate 3 maps of Michigan's districts?</p> <p>4 A. No. What do you mean "alternate maps"?</p> <p>5 Q. Created by third-parties?</p> <p>6 A. No, no.</p> <p>7 Q. I'm just going to close by asking you some 8 questions about your preparation for your 9 deposition.</p> <p>10 What did you do to prepare for this 11 deposition once you got notice of it?</p> <p>12 A. Checked my emails, but obviously all that 13 stuff is gone out of my Yahoo account. I 14 had no paper materials or anything other 15 than the Apol standards I'm going to get 16 you.</p> <p>17 Q. Just to clarify, I meant for this testimony 18 today.</p> <p>19 A. Right, I'm getting there.</p> <p>20 Q. Okay.</p> <p>21 A. And then I met with legal counsel here.</p> <p>22 Q. Who did you meet with?</p> <p>23 A. Gary Gordon, Peter Ellsworth and Hassan.</p> <p>24 Q. When was that?</p> <p>25 A. What's today, Friday? Last Wednesday,</p> | <p>1 Terri Marquardt because he would be in a 2 similar situation, and he said, don't know, 3 don't know, don't know, just sit tight. I 4 called Suzanne Miller Allen, said, hey, I 5 got this letter, did you get this letter, 6 what do I do? She said, I don't -- just sit 7 tight and wait.</p> <p>8 And I may have had a conversation 9 with -- did call House legal counsel who 10 helped me out -- Hassan. Who was before you 11 that's a judge now?</p> <p>12 MR. BEYDOUN: Brock Swartzle, 13 S-W-A-R-T-Z-L-E.</p> <p>14 THE WITNESS: And that was like 15 talking to a wall, so I just sat tight.</p> <p>16 BY MR. GIFFIN:</p> <p>17 Q. Did you talk to anybody else besides those 18 three people?</p> <p>19 A. I don't -- I don't remember. I dont 20 remember if I emailed anyone else or called 21 anyone to say (indicating).</p> <p>22 Q. What do you mean by "sit tight"?</p> <p>23 A. Stop calling people, don't worry about it. 24 I had all these questions. Who's representing us? Who's legal counsel? And</p> |
| <p style="text-align: center;">Page 219</p> <p>1 Thursday.</p> <p>2 Q. How long did you meet?</p> <p>3 A. Maybe an hour, maybe two.</p> <p>4 Q. In that meeting, did you review documents?</p> <p>5 A. No.</p> <p>6 Q. You didn't review documents?</p> <p>7 A. No. I don't -- I don't remember.</p> <p>8 Q. Since that meeting, have you reviewed any 9 documents on your own?</p> <p>10 A. No. I probably should have, so I was a 11 little more with it on the seats, but no. I 12 don't even -- other than the map, I don't 13 have anything to review.</p> <p>14 Q. Going back in time a little bit, did you 15 receive a letter from Mark Brewer in January 16 2017?</p> <p>17 A. Yes. Or -- yes. Yes, I did receive one, 18 yes.</p> <p>19 Q. Do you remember the contents of that letter?</p> <p>20 A. It was just saying that he was filing suit 21 and to preserve anything, don't get rid of 22 anything.</p> <p>23 Q. Did you confer with anybody about this 24 letter after you got it?</p> <p>25 A. Yeah, I got the letter and I called</p> | <p style="text-align: center;">Page 221</p> <p>1 it was just, this stuff is going to take a 2 while, just --</p> <p>3 Q. Did you have any questions about what the 4 letter asked you to do?</p> <p>5 A. No.</p> <p>6 Q. Did you take any steps to preserve documents 7 after you got the letter?</p> <p>8 A. I didn't have any.</p> <p>9 Q. Did you check your Yahoo account when you 10 got the letter?</p> <p>11 A. I did.</p> <p>12 Q. Were you able to access --</p> <p>13 A. None of the stuff you've shown me was in 14 there.</p> <p>15 Q. Were you able to access your Yahoo account?</p> <p>16 A. Yeah.</p> <p>17 Q. Is it currently active?</p> <p>18 A. It's been a while since I've been in there. 19 I'm assuming it is. You know, it's so 20 polluted and full of junk mail, it's not --</p> <p>21 Q. Are there any materials relating to 22 redistricting in your Yahoo account?</p> <p>23 A. Not that I'm aware of.</p> <p>24 Q. Were there at some point?</p> <p>25 A. Clearly there was, but I don't save all my</p> |

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| <p>1 emails. This is seven years ago, eight 2 years ago, seven years ago. 3 Q. Did you delete any emails? 4 A. Since I got that letter from him 5 (indicating)? 6 Q. Before that, did you delete any emails? 7 A. Clearly I did after redistricting. 8 Q. Do you remember deleting the emails? 9 A. I don't know. This is like seven, eight 10 years ago. 11 Q. Why did you delete them? Do you have any 12 memory of that? 13 A. What would I need them for? Why would I 14 need 20,000 emails? I mean, I just don't 15 keep all my emails. 16 Q. Did you make an effort to delete emails 17 relating to redistricting? 18 A. It was probably done when I went through and 19 purged stuff from past election cycles and 20 everything else. 21 Q. Do you have any other email accounts? 22 A. Right now? 23 Q. Well, let's start in 2011, apart from the 24 State email and the Yahoo email, did you 25 have any other email accounts?</p> | <p>1 Q. How often do you purge your email account? 2 A. Every six months, maybe, every year. 3 Q. Do you regularly purge it? 4 A. Yeah, to keep it -- yeah. 5 Q. Is there any kind of pattern you follow when 6 you do that? 7 A. Some of it, I will -- I will search for any 8 emails that say like MIRS. So, then I'll 9 delete all my MIRS newsletters gone, or I'll 10 do Gongwer, G-O-N-G-W-E-R, or -- 11 Q. Is that also a news service? 12 A. What? 13 Q. That's a news service also? 14 A. Yeah, yeah, same as MIRS. Or IMP 15 Bill Ballenger, and I'll get rid of all that 16 stuff, and all the stupid, send me money, 17 help, I need help on my election crap, and 18 then that cuts it down, and then I'll go 19 through, and I'll be like, okay, this was -- 20 I'm done with this project, gone, I'm done 21 with this election, gone. 22 Q. Did you ever search for search terms related 23 to redistricting during a purge? 24 A. Not during a purge. When I got the letter, 25 I checked.</p> |
| <p style="text-align: center;">Page 223</p> <p>1 A. During -- during redistricting? 2 Q. Let's say during the period when you were 3 working on redistricting, yes. 4 A. I don't believe so. There may have been a 5 State party email account, but I didn't have 6 access to it, because I was no longer a 7 State party employee, HRCC employee. 8 Q. We talked about this a little bit, but did 9 you make a conscious decision to use your 10 Yahoo account rather than your State 11 account? 12 A. No, but my Yahoo one would have went to my 13 phone at the time, so that was part of it. 14 I didn't have my State email address hooked 15 up to my phone. 16 Q. What was your phone at the time? 17 A. It was a Blackberry, I don't know. 18 Q. Did you send any text messages during the 19 period when you were working on the 20 redistricting plan related to that work? 21 A. As in, "Brian are you going to meet me at 22 the office," or as in -- you know, I don't 23 know, and that was -- and I don't have -- I 24 don't have access to those. I mean, that 25 was so many phones ago.</p> | <p style="text-align: center;">Page 225</p> <p>1 Q. Right. 2 A. Not after redistricting, no. All I do is go 3 back to the last like 9 months, 12 months, 4 and look through those emails. 5 Q. Did you take any affirmative steps once you 6 received the letter in January 2017 to 7 preserve documents? 8 A. I didn't have anything to preserve. 9 Q. I think you said you checked your Yahoo 10 account; is that right? 11 A. Yeah. 12 Q. Did you check hardcopy files? 13 A. Hardcopy files on what? 14 Q. Redistricting. 15 A. This is like five laptops ago. I use -- I 16 use Chromebooks. They're 150 bucks, I go 17 through them once a year, so I -- 18 Q. I mean, did you have any paper documents? 19 Did you search to see if you had any paper 20 documents? 21 A. On the computer or, like, around the house? 22 Other than that folder that's Apol 23 standards, that's all I have. 24 Q. Did you search to see if you had any? 25 A. Searched, but I've moved like several</p> |